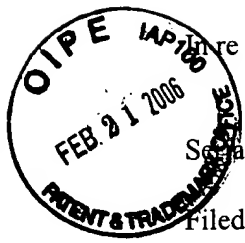


TFW 3629

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Re application: Boies et al.

Serial No.: 09/884,580

Filed: June 19, 2001

For: **Apparatus, Method and Computer
Program Product for Selecting a Format
for Presenting Information Content
Based on Limitations of a User**

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Group Art Unit.: 3629

Examiner: **Smith, Traci L.**

Attorney Docket No.: **YOR920000496US1**

**Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
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I hereby certify this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on February 16, 2006.

By: _____

Dell Whitton
Dell Whitton

**REQUEST FOR RECONSIDERATION
OF PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

A Decision on Petition to Withdraw Holding of Abandonment, a copy of which is attached, was received by Applicant stating that "Any petition to withdraw the holding of abandonment based on a Certificate of Transmission by facsimile must include a statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of transmitting the original response on the date indicated on the Certificate of Transmission". Attached is the Declaration of Monica Gamez stating the facts of the procedures used when filing a Response to Office Action with the U. S. Patent and Trademark Office. Applicants respectfully request reconsideration of the Petition to Withdraw Holding of Abandonment filed on August 8, 2005.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 50-0510.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Duke W. Yee", is written over a horizontal line.

Duke W. Yee
Reg. No. 34,285
Yee & Associates, P.C.
PO Box 802333
Dallas, TX 75380
972/385-8777
Attorney for Applicants



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DNW Jan-06

DUKE W. YEE
CARSTENS, YEE & CAHOON, LLP
P.O. BOX 802334
DALLAS TX 75380

COPY MAILED

JAN 24 2006

OFFICE OF PETITIONS

In re Application of :
Boies et al. : DECISION ON PETITION TO
Application No. 09/884,580 : WITHDRAW HOLDING OF
Filed: 19 June, 2001 : ABANDONMENT
Atty Docket No. YOR920000496US1 :

This is a decision on the petition filed on 12 August, 2005, to withdraw the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

The application was held abandoned for failure to timely respond to the non-final Office action mailed on 9 December, 2004. Notice of Abandonment was mailed on 29 June, 2005.

Petitioners again assert that an amendment was timely filed. In support, petitioner has supplied a copy of an amendment, the first page of which contains a Certificate of Facsimile Transmission dated 9 March, 2005.

Any petition to withdraw the holding of abandonment based on a Certificate of Transmission by facsimile must include the following requirements:

- (1) A copy of the original response bearing a signed Certificate of Transmission which includes the date of signing; and
- (2) A statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of transmitting the **original** response on the date indicated on the Certificate of Transmission (see 37 CFR 1.8 and MPEP 512).

The petition lacks item (2) above. Petitioners should supply a statement by the individual who signed the Certificate of Transmission.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision. **This period may not be extended.**¹

The address in the petition is different than the correspondence address. A courtesy copy of this decision is being forwarded to the address in the petition. All future correspondence will be mailed solely to the address of record.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Mail Stop Petition
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: Duke W. Yee
 Yee & Associates, P.C.
 PO Box 802333
 Dallas TX 75380

¹ 37 CFR 1.181(f).



Serial No.: 09/884,580

Filed: June 19, 2001

For: Apparatus, Method and Computer Program Product for Selecting a Format for Presenting Information Content Based on Limitations of a User

§ §

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Examiner: Smith, Traci L.

Attorney Docket No.: YOR920000496US1

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Alexandria, VA 22313-1450**

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I hereby certify this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 8, 2005.

By:

Dell Whitton

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
OFFICIAL RESPONSE TO OFFICE ACTION WAS FILED

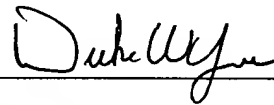
I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Response to Office Action forming the basis of the abandonment was filed. I hereby state that the Response to Office Action indicated by the USPTO's Notice of Abandonment dated June 29, 2005, was officially filed with the USPTO on March 9, 2005.

I attach a copy of the Response to Office Action filed on March 9, 2005, as well as a copy of our facsimile confirmation dated March 9, 2005 showing confirmation that the Response to Office Action was sent, and a copy of the USPTO's Auto-Reply Facsimile Transmission page showing confirmation that the Response to Office Action was received at the USPTO on March 9, 2005.

In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn, the Response to Office Action be entered, and the case be re-opened for prosecution.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 50-0510.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Duke W. Yee", is written above a horizontal line.

Duke W. Yee
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Attorney for Applicants